



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3009968

Applicant Name: Don Campbell for King County Marine Division

Addresses of Proposal: 1660 Harbor Ave SW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to replace a timber floating dock (2,686 square feet) with a concrete dock (2,4780 square feet) and to replace 11 steel piles. Project also includes installation of three kayak finger piers (195 square feet). Determination of Non-Significance prepared by King County Marine Division.

The following approvals are required:

Shoreline Substantial Development Permit to replace a dock. (Seattle Municipal Code 23.60.600).

SEPA - Conditioning pursuant to Seattle's SEPA policies. Chapter 25.05.600, Seattle Municipal Code. (Environmental documents prepared by King County Marine Division).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☒ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction. *

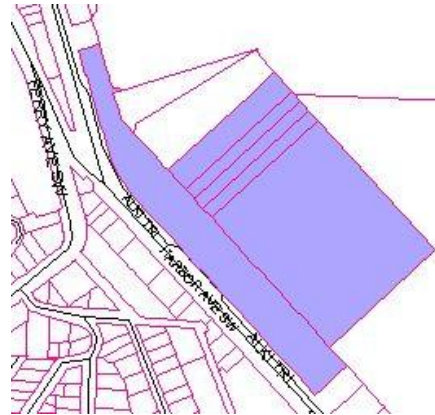
* Determination of Non-significance (DNS) issued by King County Marine Division on April 10, 2009. A SEPA Checklist was prepared on March 9, 2009.

BACKGROUND DATA

Site and Vicinity Description

The location of the proposal is 1660 Harbor Avenue SW in the West Seattle Area of Seattle, Washington. Seacrest Park includes parking, a restaurant, bicycle rentals and general park use at the water's edge. The King County Marine Division proposes to upgrade an existing floating dock at Seacrest Park.

Other uses in the vicinity include restaurants, offices and retail uses. There are no water-dependent industrial or manufacturing uses in the immediate vicinity.



Proposal Description

The King County Marine Division proposes to upgrade an existing floating dock at Seacrest Park. The Park is located on Harbor Avenue SW in West Seattle. King County's Elliott Bay Water Taxi uses the dock from April through October. King County intends to start year-round Water Taxi service from West Seattle to downtown Seattle beginning in April 2010. The dock is aging and the design is substandard for the intended uses. The floating dock is proposed to be replaced with a dock that meets updated design and safety standards.

The new floating dock is proposed to be in the same general location as the existing dock. It will have a T-head at its southeaster end for easier docking and loading. The new dock will have a longer gangway ramp to meet ADA requirements. (80 feet versus 40 feet). A barge mounted crane will be used to remove and replace the piles; a vibratory hammer will be used to remove and replace the piles. A wheeled crane will be used to replace the gangway from the uplands. The replacement floats will be floated and placed using the barge mount crane. Construction would occur over a two to three day period of weekdays between the hours of 7 AM and 5 PM.

The floating dock and ramp will be constructed off-site and moved into position on the lake generally intact.

Public Comments

One public comment was received during the official comment period for this project ended on April 24, 2009. King County Marine Division addressed the comment during their review process.

ANALYSIS - -COMPLIANCE WITH UNDERLYING ZONING

Neighborhood Commercial Two Zoning

The property is located within a Neighborhood Commercial Two Zone_with a structure height limit of sixty-five. (NC2-65) The floating dock will be located in an existing park (Seacrest Park). Parks and Open Space uses, and their accessory uses, are permitted outright in NC2-65' zones. The project is consistent with the development standards of the NC2-65 zone.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is located within the Conservancy Management (CM) Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and to protect the resources and ecology of the shoreline over the long term. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The Shoreline Management Act of 1971 provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the State is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

As discussed below, the City's Shoreline policies encourage public access and increased opportunities for the public to enjoy water-dependent recreation. The proposal to upgrade a recreational floating dock in a public park is consistent with the Shoreline objectives. Thus, this proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required. The proposed recreational floating dock replacement to be located in an established park use is permitted outright in the underlying commercial zone and as park and open space and water-related public facility uses on waterfront lots in the CM environment.

SSMP 23.60.004 - Shoreline Policies

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan and SSMP Section 23.60.220 Shoreline Environments Established. Seattle's Comprehensive Plan Shoreline Goals and Policies encourage public access along shorelines. The purpose of the CM shoreline environment is to conserve and manage areas for public purposes, recreational activities and fish migration routes. While the natural environment need not be maintained in a pure state, developments shall be designed to minimize adverse impacts to natural beaches, migratory fish routes and the surrounding community.

This project re-establishes a floating dock to be located in an established park. The proposed float will provide public access from the park to the water, the water Taxi, and will provide a place for small craft to tie up and access the park from the water. Therefore, it is consistent with adopted Comprehensive Plan policies.

Shoreline Development Standards

The proposed floating dock to be located in an established park are regulated as open space and shoreline recreation uses, and will be located in the CM Shoreline Environment.

Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to:

1. the general development standards (SSMP 23.60.152); and,
2. development standards for uses in the CM environment (SSMP 23.60.450).

1. SSMP 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*
- B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*
- D. *The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*
- E. *All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch-basins or settling ponds, interceptor drains and planted buffers.*
- H. *All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*
- I. *All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*
- J. *All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*

- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.*
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.*

The project has been reviewed and revised to meet the general development standards relevant to this proposal. Some additional over-water coverage of the floating docks will be partially mitigated by the use of grating to allow some light to pass through the surface. The proposal complies with standards in that the proposed shoreline activity is designed, proposed to be constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment.

3. SSMP 23.60.450 - Development Standards in the CM Environments

Permitted uses in the Conservancy Management (CM) are contained in SSMP Subchapter VIII, Part 1, in sections SMC 23.60.420 through 428. The proposed floating dock is permitted outright as open space and water-related public facility uses on waterfront lots in the CM environment.

Development Standards in the CM Environment

Development standards in the CM environment regulate habitat protection, structure height, lot coverage, view corridors, and public access.

The proposed open top grating gangway will be approximately 15 feet in height where it would meet the existing fixed dock. The concrete float docks are proposed to have two (2) feet free board and the kayak piers to have 0.5 feet of free board and are thus well below the allowed 30 foot height limit in the CM Shoreline Environment. Lot coverage is well below the 35% lot coverage limit in the CM Environment. A view corridor of not less than 35 percent is required and open wet moorage is acceptable in the view corridor. The proposed dock is intended to increase public access to the water, so the requirements for public access are also met. This proposal is consistent with the development standards of the CM Shoreline Environment.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and give the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit for this floating dock to be located in an established public park is **CONDITIONALLY GRANTED.**

Shoreline Substantial Development conditions are listed below.

ANALYSIS - SEPA (for conditions only)

The King County Marine Division, as Lead Agency, issued a Determination of Non-Significance for this project. The information in the Port's SEPA determination, construction plans, and other information submitted by the Port and the experience of the Department with the review of similar projects form the basis for this analysis and decision.

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased dust levels associated with grading and demolition activities; increased noise levels; occasional disruption of adjacent vehicular traffic, and small increase in traffic and parking impacts due to construction workers' vehicles. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Stormwater, Grading and Drainage Control code and Street Use ordinance, and mitigating measures described above pursuant to the Shoreline Master Program) applicable to the project. Since the proposal site is located in an industrial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

CONDITIONS – SEPA and SHORELINE

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

SEPA and Shoreline – During Construction Conditions

1. Refer to any applicable Hydraulic Project Approval permit for allowable in-water work timing.
2. Appropriate Best Management Practices (BMPs) shall be employed to prevent deleterious material from entering the aquatic environment during construction.
3. If floating debris enters the water, the debris shall be removed from the water daily, be stored on-site, and be disposed of at an appropriate upland facility.
4. If heavy (sinking) debris enters the water during the proposed work, the location of this debris shall be documented in a log that is kept on site for the duration of the project. When the proposed work is completed, all sunken debris that has entered the water during construction shall be retrieved and be disposed of in an appropriate upland facility.
5. Appropriate Best Management Practices (BMPs) shall be employed to minimize the amount of erosion at the shoreline caused by construction material storage and staging, and the proposed construction work.
6. No treated wood is allowed for the decking material.
7. If toxic material such as any petroleum product enters the water, this material shall be reported to the Department of Ecology, and shall be immediately contained using the appropriate equipment and material.
8. Appropriate equipment and material for hazardous material clean up shall be kept at the site during construction.
9. Piling to be removed shall be completely removed using a vibratory pile driving device. Any depressions in the substrate created by the removal of the piling shall be filled with clean native substrate that is of the same size and type of the existing substrate. Piling that breaks shall be cut 2-ft below the mudline. The exposed end of the creosote treated pile shall be covered with a material cap to prevent creosote from entering the environment, and any depressions in the substrate created by the removal of the piling shall be filled with clean native substrate that is of the same size and type of the existing substrate.
10. Any creosote material, pile stubs, and associated sediments, if any, shall be disposed of in a landfill that meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.

Signature: (signature on file)
Holly J. Godard, Land Use Planner
Department of Planning and Development

Date: August 13, 2009